IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1132 OF 2006

Mr. Sandeep Narayan Dighe & Ors. ...Applicants.

v/s

State of Maharashtra ...Respondents.

Mr. Nitin Jamdar with Mr. Bhosale with Mr. Anilkumar Patil for the applicants.

Ms. S.V. Gajre, APP for the State.

CORAM: V.M. KANADE, J.

DATE: 22nd March, 2006

P.C:

1. Heard the learned Counsel for the applicants and the learned APP for the State.

2. The applicants have an apprehension that they are likely to be arrested in connection with C.R. No.50 of 2006 registered at Negdi Police Station for the offence punishable under sections 143, 146, 147, 148, 149, 452, 326, 427, 302 of the Indian Penal Code.

3. The prosecution case is that the incident initially had taken place where two persons were injured by the assailants who assaulted them. They were admitted in the hospital. Thereafter, mob of about 25 to 30 people attacked the hospital staff and

the persons who were admitted in the hospital and number of persons were injured and one of them succumbed to the injuries which were caused by the assailants in the attack. The property of the hospital was damaged.

4. It is submitted by the learned Counsel appearing on behalf of the applicants that the names of the applicants are not mentioned in the FIR but have been mentioned in the supplementary statement which was recorded after four days. It is submitted that the names of the applicants have been mentioned on account of political rivalry since there was a clash between the two groups of Nationalist Congress and other Congress party.

5. I am unable to accept the submissions made by the learned Counsel appearing on behalf of the applicants. In my view, this is not a fit case for grant of an anticipatory bail. In the present case, the assailants have attacked the hospital. Number of persons have been grievously injured and one person died in the said incident. Merely because names of the applicants are not mentioned in the FIR that by itself would not be a ground for grant of an anticipatory bail to the applicants as, in my view,

the interrogation of the applicants is essential since the applicants names have been mentioned in the supplementary statement. The application for anticipatory bail is rejected.

6. It is clarified that if application for regular bail is preferred by the applicants, the same may be considered on merits and the Court may not be influenced by any observation made by this Court while rejecting their application for an anticipatory bail. It is well settled that the parameters for grant of anticipatory bail and regular bail are different.

7. Application is accordingly disposed of.

V.M. KANADE, J.